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OFFICE OF PETITIONS

In re Application of
Robert Krause
Application No. 09/505,947
Filed: February 15, 2000
Attorney Docket No. Krause-01

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ON PETITION

This is a decision on petition to withdraw the holding of abandonment under 37 CFR 1.181 filed July 12, 2006.

The petition to withdraw the holding of abandonment is **GRANTED**.

This application was held abandoned August 20, 2005 for failure to timely reply to the non-final Office Action mailed on May 19, 2005. The non-final Office Action set a three (3) month extendable time period for reply. This decision precedes the mailing of a Notice of Abandonment.

Petitioner asserts that a reply to the non-final Office Action and a three month extension of time were submitted on November 25, 2005. Petitioner insists that the reply was timely because it was accompanied by a certificate of mailing dated November 21, 2005. As evidence, petitioner has submitted a copy of the reply which included an amendment and a three month extension of time. The reply contains a certificate of mailing dated November 21, 2005 pursuant to 37 CFR 1.8.

A review of the record shows that the amendment, request for three month extension of time and the appropriate fee were received on November 25, 2005. The response is accompanied by a certificate of mailing dated November 21, 2005. The reply is deemed timely pursuant to MPEP 512. If the period set for taking an action in the U.S. Patent and Trademark Office ends on a Saturday, Sunday, or Federal holiday within the District of Columbia (37 CFR 1.7), the action will be considered to be timely if deposited in the United States mail or transmitted by facsimile and certified under 37 CFR 1.8(a) on the next succeeding day which is not a Saturday, Sunday, or a Federal holiday. In this instance, November 19, 2005 was a Saturday.

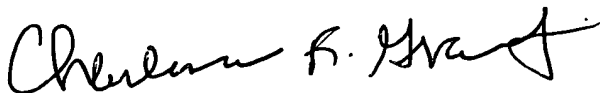
As such the next business day was November 21, 2005.

However, petitioner should note that the receipt date is the date which is entered in Office records, not the certificate of mailing date.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

The application file is being forwarded to Technology Center 3600 for further processing of the amendment submitted on November 25, 2005.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with a prominent initial "C" and a stylized "G".

Charlema R. Grant
Petitions Attorney
Office of Petitions